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1711
Docket No.: 9086-195
(DE00040 US)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Joachim Berthold et al.

Application No.: 10/088855

Group Art Unit: 1711

Filed: March 21, 2002

Examiner: N. Nutter

For: POLYETHYLENE MOULDING
COMPOUND WITH AN IMPROVED
ESCR/STIFFNESS RELATION AND AN
IMPROVED SWELLING RATE, A
METHOD FOR THE PRODUCTION
THEREOF AND THE USE THEREOF

INFORMATION DISCLOSURE STATEMENT
WITH CERTIFICATION

Sir:

Enclosed with this paper are:

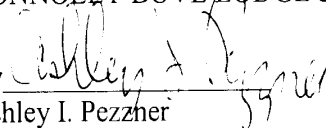
a copy of a Chinese Office Action dated May 9, 2003.

Certification

I hereby certify that each item of information contained in this Disclosure Statement was cited in a communication from a foreign patent office, i.e. the Chinese Patent Office, not more than three months prior to the filing of this Statement. The search was mailed May 9, 2003.

No additional fees are due. If there are any additional fees due in connection with this filing, the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

Respectfully submitted,
CONNOLLY BOVE LODGE & HUTZ LLP

By 
Ashley I. Pezzner
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THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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Applicant:	BASELL POLYOLEFINE GMBH	
Attorney:		Date of Notification:
Application No.:	00813251.8	Date: 02 Month: 05 Year: 2002
Title of the Invention:	POLYETHYLENE MOULDING COMPOUND WITH AN IMPROVED ESCR/STIFFNESS RELATION AND AN IMPROVED SWELLING RATE, A METHOD FOR THE PRODUCTION THEREOF AND THE USE THEREOF	

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Notification of the First Office Action
(PCT Application in the National Phase)

- ☒ The applicant requested examination as to substance on May 29, 2002 and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").

☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
- ☒ The applicant claimed priority/priorities based on the application(s):

filed in Germany on Sep. 24, 1999, filed in _____ on _____,

filed in _____ on _____, filed in _____ on _____.
- ☐ The following amendments submitted by the applicant are not acceptable under Art. 33 of the Patent Law:

 - ☐ The Chinese translation of the amendments annexed to the IPEA Report.
 - ☐ The Chinese translation of the amendments made under Art. 19 of PCT.
 - ☐ The amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ The amendments made under Rule 51 of the Implementing Regulations of the Patent Law.

Specific reasons why the amendments are not acceptable are set forth in the text portion of this Notification.
- ☒ Examination was directed to the Chinese translation of the International Application as originally filed.

☐ Examination was directed to the application documents as specified below:

☐ Description ☐ Pages _____ of the Chinese translation of the International Application as originally filed.

 - ☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
 - ☐ Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.

☐ Claims ☐ The Chinese translation of claims _____ of the International Application as originally filed.

 - ☐ The Chinese translation of claims _____ of the amendments made under Art. 19 of PCT.
 - ☐ The Chinese translation of claims _____ of the amendments annexed to the IPEA Report.
 - ☐ The Chinese translation of claims _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ The amendments of the claims _____ made under Rule 51 of the Implementing Regulations of the Patent Law.

☐ Drawings ☐ Pages _____ of the Chinese translation of the International Application as originally filed.

 - ☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
 - ☐ Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.

5. ☒ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	US4336352	Date: <u>22</u> Month: <u>06</u> Year: <u>1982</u>
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __

6. Conclusions of the Action:

☐ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) ____ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) ____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☒ Claim(s) 1-4 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law
- ☐ Claim(s) ____ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) ____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) ____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) ____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☐ Claim(s) ____ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim(s) ____ does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) ____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

The explanations to the above conclusions are set forth in the text portion of this Notification.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☒ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

☐ ____

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 1 pages and the following attachments:

- ☒ 1 cited reference(s), totaling 1 pages. ☐

Examination Dept. _____ Examiner: _____

Seal of the Examination Department

4. AUG. 2003 10:32

BASELL PO GMBH

NR. 5980 S. 5

Chinese Patent Application No. 00813251.8

Text Portion of the Notification of the First Office Action

The present invention relates to polyethylene moulding compound having a multimodal molecular weight distribution. The examiner's comments are as follows.

Claim 1 seeks to protect a polyethylene moulding compound having a multimodal molecular weight distribution (MWD). D1 (US4336352) discloses a polyethylene composition comprising a mixture of three kinds of polyethylenes (A), (B) and (C), in which the mixing ratio of (A) to (B) is 30/70 to 70/30, and the mixing ratio of (C) is 1-10% by weight based on the total composition. The detailed property parameters are as following:

D1 discloses the molecular weight and the equation of intrinsic viscosity of polyethylene measured in decalin at 135°C (see column 6 of D1), the following datum in the table are deduced from this equation.

Components	Molecular weight	Viscosity dl/g	Viscosity cm ³ /g	Melt flow index MI ISO1133D	Overall density
A lower limit	5000	0.204559	20.45591	0.001-1	0.935-0.976
A upper limit	70000	1.198739	119.8739		
B lower limit	300000	3.178192	317.8192		
B upper limit	800000	6.131676	613.1676		
C lower limit	600000	5.056736	505.6736		
C upper limit	4000000	18.02557	1802.557		

Though the measuring method for the melt flow index in above table is different from that in this application, the ranges of amount of each component, molecular weight of polyethylene and intrinsic viscosity are overlapped with those in claim 1, actually the range of melt flow index

for the composition disclosed in D1 is also overlapped with that in claim 1. Therefore, D1 has disclosed all of the technical features of the claimed technical solution of claim 1, and claim 1 does not comply with the provisions on the novelty in Article 22(2) of the Patent Law.

Similarly, claim 2 does not comply with the provisions on the novelty in Article 22(2) of the Patent Law either.

Claim 3 seeks to protect a polymerization method for the production of a polyethylene. D1 (see columns 3 and 4) discloses a polymerization method as follows: three components A, B and C are prepared in three polymerization steps; for obtaining the component C, the polymerization is carried out at a temperature of 30-110°C and a pressure of 0.5-10 kg/cm²G; the reaction temperature for the later two steps is 110°C (preferably 60-90°C), and the pressure is 1-30 kg/cm²G; the catalyst is prepared by reacting an organoaluminum-magnesium complex with titanium tetrachloride, and hydrogen is used to adjust the molecular weight. D1 (see column 3) also discloses that the polymerization method can be suspension polymerization and so on. Thus those skilled in the art can easily select suitable pressure, temperature, dispersant for the suspension polymerization in accordance with the above technical solution. Therefore, D1 has disclosed all of the technical features of the claimed technical solution of claim 3, and claim 3 does not comply with the provisions on the novelty in Article 22(2) of the Patent Law.

Claim 4 seeks to protect a use of a polyethylene moulding compound according to Claim 1. D1 (see column 2) discloses that the composition is suitable for blow molding, and when testing the property of composition in the example, a 500 ml bottle product is made through blow molding. Therefore, claim 4 does not comply with the provisions on the novelty in Article 22(2) of the Patent Law.

Due to the above reasons, the present application is not allowable, and the description of this application does not record any other substantial content that can be patentable. Therefore, this present application does not possess a potential of being granted a patent right even if the applicant makes amendments to the application documents.



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/088855	
			Filing Date	March 21, 2002	
			First Named Inventor	Joachim Berthold et al.	
			Art Unit	1711	
			Examiner Name	N. Nutter	
Sheet	1	of	1	Attorney Docket Number	09086-00195-US (DE00040 US)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,336,352	06-22-1982	Sakurai et al	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Examiner Signature		Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known			
		Application Number	10/088855		
		Filing Date	March 21, 2002		
		First Named Inventor	Joachim Berthold et al.		
		Art Unit	1711		
		Examiner Name	N. Nutter		
Sheet	1	of	1	Attorney Docket Number	09086-00195-US (DE00040)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,336,352	06-22-1982	Sakurai et al	

FOREIGN PATENT DOCUMENTS					
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Examiner Signature		Date Considered	
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Application No. (if known): 10/088855

Attorney Docket No.: 9086-195 (DE00040 US)

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